

**SENATE, No. 2410**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED MARCH 24, 2022

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

“New Jersey Transit Villages Act.”

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/19/2022)

1 AN ACT concerning the establishment of transit villages,  
2 supplementing Title 27 of the Revised Statutes, and amending  
3 P.L.1975, c.291.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. (New section) Sections 1 through 19 of this act shall be  
9 known and may be cited as the “New Jersey Transit Villages Act.”

10  
11 2. (New section) The Legislature finds and declares:

12 a. Historically, the relationships between land use and  
13 transportation were quite clear and efficient. Communities were  
14 organized so that the goods that they produced could easily be  
15 shipped to others, by road, canal, river, lake, or ocean, as the  
16 particular geographical circumstances dictated. Personal travel  
17 generally occurred by the same routes. The relationships were  
18 based on the functional requirement of directly and efficiently  
19 moving goods and people, as well as on the limited availability of  
20 alternative modes of travel and transport.

21 b. As the road network began to expand throughout this State  
22 to accommodate increased automobile and truck use, the  
23 relationship between land use and transportation changed. The  
24 proliferation of the private automobile as well as the increased  
25 number of cars per household led to the creation of new patterns  
26 and densities of development. In the past 40 to 50 years, land use  
27 development patterns have generally taken the form of  
28 decentralized, large-lot, single use districts, connected by a maze of  
29 roadways. Zoning and other government regulations have  
30 reinforced this trend.

31 c. As undeveloped land has become scarce and roadways have  
32 become more congested, people are reexamining the original land  
33 use patterns within traditional “town-centered communities.” In  
34 New Jersey this effort has been strongly supported by the State  
35 Development and Redevelopment Plan adopted pursuant to  
36 P.L.1985, c.398 (C.52:18A-196 et al.). The opportunity now exists  
37 to redefine and develop new patterns of development that encourage  
38 active, safe, pedestrian communities that support, and are supported  
39 by, transit.

40 d. The “New Jersey Transit Villages Act” will encourage  
41 individual municipalities to begin influencing land use patterns,  
42 densities, the general character of their communities, and  
43 eventually, the overall quality of life, while at the same time  
44 encouraging increased rider-ship on transit systems that have been  
45 the focus of major public investment.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 e. Projected population increases for the State will place  
2 significant strains on the highway and road network.

3 f. Continuation of existing development patterns that  
4 encourage single-occupancy vehicle automobile trips, given these  
5 population increases, will lead to levels of congestion beyond the  
6 mitigation ability of the State.

7 g. New Jersey drivers collectively waste over 261 million hours  
8 per year sitting in traffic, negatively impacting our quality of life  
9 and losing valuable time that could be better spent with our  
10 families. In terms of lost productivity, sitting in traffic costs each  
11 New Jersey driver nearly \$1,300 per year.

12 h. Encouraging development and redevelopment based on  
13 smart growth principles will direct transportation investments into  
14 the redevelopment of our older urban and suburban areas, protect  
15 existing open space, conserve natural resources, increase  
16 transportation options and transit availability, reduce automobile  
17 traffic and dependency, stabilize property taxes, and provide  
18 affordable housing.

19 i. Efficient and compact development patterns around transit  
20 hubs will encourage transit use, thereby limiting congestion and  
21 reducing the strain on the existing road network. Therefore, it is in  
22 the best interest of the New Jersey Department of Transportation to  
23 encourage this type of development wherever possible.

24  
25 3. (New section) As used in this act:

26 "Commissioner" means the Commissioner of Transportation.

27 "Office of Smart Growth" means the Office of State Planning  
28 established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-  
29 201).

30 "Transit village" means, as designated by the commissioner, a  
31 compact, mixed-use, walkable community, centered on a mass  
32 transit hub or access point that is regularly served by a mass transit  
33 service or where there is a defined future potential that will support  
34 a transit service that, by design, increases transit ridership and  
35 reduces reliance on single-occupant vehicular transportation.

36 "Transit village plan element" means a composite of one or more  
37 written or graphic proposals for a compact, mixed-use, walkable  
38 community, centered on a mass transit hub or access point that is  
39 regularly served by a mass transit service that is an amendment and  
40 supplement to a municipality's master plan.

41 "Transit village zone" means a bounded area encompassing all  
42 parcels or portions of parcels within one-half mile of a mass transit  
43 hub or access point and that is located along a mass transit route, or  
44 that is identified as having potential for transit service, as evidenced  
45 by existing or planned mixed-use development that accommodates  
46 high commercial intensities, high employment clusters, moderate to  
47 high residential density consistent with the State Development and

1   Redevelopment Plan as defined in the municipal zoning ordinance,  
2   and design features that promote pedestrian and bicycle circulation.

3

4       4. (New section) It is the intent and purpose of this act to:

5       a. encourage municipal action to promote intensive mixed-use  
6   development in close proximity to mass transportation services, to  
7   be known as transit villages;

8       b. increase transit ridership, reduce reliance on single-occupant  
9   vehicular traffic, and facilitate pedestrian, bicycle, and mass  
10   transportation trips through clustering of uses and urban design  
11   features;

12       c. promote residential development with a mix of housing  
13   types and a range of housing prices, including both owner-occupied  
14   housing and apartments, within transit villages;

15       d. improve mobility options for pedestrians, cyclists, and  
16   transit dependent people;

17       e. promote use of mass transportation by encouraging  
18   intermodal service and access by modes other than single-occupant  
19   vehicles; and

20       f. encourage the appropriate and efficient expenditure of public  
21   funds by the coordination of public development with land use  
22   policies.

23

24       5. (New section) a. The municipal planning board may adopt  
25   a transit village plan element as an amendment and supplement to  
26   its master plan pursuant to section 19 of P.L.1975, c.291  
27   (C.40:55D-28).

28       b. The transit village plan element shall include a capital  
29   improvement subplan element for the plan area that provides for  
30   shared parking and reduced parking for single-occupancy vehicles  
31   within the plan area, the creation of mixed-use developments,  
32   minimum development density standards, the improvement of  
33   bicycle and pedestrian facilities, the connectivity of the street  
34   network, and measures to ensure compliance with the federal  
35   "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et  
36   seq.). The capital improvement subplan element may also include a  
37   mix of infrastructure financing strategies.

38       c. When a municipal planning board has adopted a transit  
39   village plan element, the official map of the municipality shall be  
40   amended to reflect the provisions of that plan.

41       d. The transit village plan element shall include a circulation  
42   subplan element for the transit village zone pursuant to section 19  
43   of P.L.1975, c.291 (C.40:55D-28).

44

45       6. (New section) a. The Office of Smart Growth, in  
46   consultation with the commissioner and the Executive Director of  
47   the New Jersey Transit Corporation, shall review a proposed transit

1 village plan element and determine whether it is consistent with the  
2 State Development and Redevelopment Plan.

3 b. Following adoption or amendment of a zoning ordinance to  
4 effectuate a transit village plan element the governing body shall  
5 submit the ordinance to the commissioner for designation of the  
6 transit village zone as a transit village. The commissioner, in  
7 consultation with the Executive Director of the New Jersey Transit  
8 Corporation pursuant to subsection (e) of section 5 of P.L.1966,  
9 c.301 (C.27:1A-5), shall designate a transit village zone as a transit  
10 village if the commissioner determines that the plan is consistent  
11 with the provisions of this act and the Statewide Capital Investment  
12 Strategy prepared pursuant to section 22 of P.L.1984, c.73  
13 (C.27:1B-22).

14 c. The commissioner may adopt rules and regulations, in  
15 accordance with the "Administrative Procedure Act," P.L.1968,  
16 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this  
17 section.

18  
19 7. (New section) a. A municipality may establish a transit  
20 village zone pursuant to a transit village plan element, in  
21 accordance with section 49 of P.L.1975, c.291 (C.40:55D-62).

22 b. Where the municipality has adopted a development transfer  
23 ordinance each transit village zone shall be designated as a  
24 receiving zone under that ordinance pursuant to P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill).

26  
27 8. (New section) The commissioner, in consultation with the  
28 Office of Smart Growth, shall promulgate rules and regulations for  
29 administration of a transit village grant funding program. These  
30 rules shall include but not be limited to: the criteria that a  
31 municipality shall meet in order for the Office of Smart Growth to  
32 determine that a transit village master plan element is consistent  
33 with the State Development and Redevelopment Plan, adopted  
34 pursuant to P.L.1985, c.398 (C.52:18A-196 et al.); transit village  
35 design guidelines developed by the New Jersey Transit Corporation;  
36 and incentives and benefits associated with being designated as a  
37 transit village including, but not limited to, planning and capital  
38 funding, funding for transit planning, funding for station  
39 improvement, and prioritization for such funding.

40  
41 9. (New section) The commissioner may enter into contracts  
42 with municipalities to maintain roads within an area that has been  
43 designated as a transit village.

44  
45 10. (New section) A municipality and a county in which a  
46 transit village has been designated by the commissioner, may be  
47 granted priority on all applications for funding from programs that  
48 are administered by the Department of Transportation and the New

1 Jersey Transit Corporation that support the use of transit in the  
2 transit village zone as an alternative to automobile transportation,  
3 the improvement of mass transit accessibility, the creation of an  
4 environment around a transit stop or station that supports pedestrian  
5 and transit use, the improvement of mobility through the use of  
6 mass transit, the provision of local circulator transit services that  
7 provide access to transit hubs, and the reduction of traffic  
8 congestion.

9  
10 11. (New section) A municipality or a county in which a transit  
11 village has been designated by the commissioner, shall receive  
12 priority on all applications for funding from programs that are  
13 administered by State agencies and departments that support the use  
14 of transit through transit oriented developments characterized by  
15 dense clustering of buildings that include in the same buildings or  
16 in different buildings within close proximity to each other  
17 residential, retail or commercial space and office, industrial or other  
18 employment uses that do not pose a nuisance to nearby residents,  
19 the preservation of green and open space, and the reclamation of  
20 brown fields.

21  
22 12. (New section) A taxpayer shall be allowed a credit, to be  
23 computed as provided by regulation promulgated by the State  
24 Treasurer in consultation with the Office of Smart Growth, against  
25 the franchise tax imposed pursuant to section 5 of P.L.1945, c.162  
26 (C.54:10A-5) or against the tax otherwise due under the "New  
27 Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. The credit  
28 shall be an amount equal to four percent of allowable costs plus  
29 such other incentives deemed appropriate, for any taxpayer who is  
30 an applicant for development and who gains approval and  
31 constructs a development wholly within a designated transit village.  
32 For the purposes of this section, "allowable costs" means amounts  
33 properly chargeable to a capital account, other than for the purchase  
34 or remediation of the capital asset, which are paid or incurred for  
35 construction or rehabilitation, including commissions; interest;  
36 legal, engineering, architectural, and other professional fees  
37 allocable to construction or rehabilitation; closing costs excluding  
38 open space taxes; and site costs, not to exceed \$200 per square foot  
39 of finished interior space.

40  
41 13. (New section) A municipality or county may receive  
42 funding in the form of loans or grants from any public or private  
43 source in order to support the development of a transit village.  
44 Funding received from sources other than those that are  
45 administered by State agencies and departments shall not bar a  
46 transit village from priority funding under programs that are  
47 administered by State agencies and departments.

1       14. (New section) A municipality or county in which a transit  
2 village has been designated by the commissioner may establish  
3 financing mechanisms pursuant to the "Redevelopment Area Bond  
4 Financing Law," sections 1 through 10 of P.L.2001, c.310  
5 (C.40A:12A-64 et seq.), to be utilized only for those improvements  
6 that have been identified in the capital improvement subplan  
7 element.

8  
9       15. (New section) A municipality in which a transit village has  
10 been designated by the commissioner may use revenue allocation  
11 financing and the dedication of payments in lieu of taxes toward the  
12 retirement of debt incurred in the development of the transit village,  
13 pursuant to the "Revenue Allocation District Financing Act,"  
14 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.),  
15 to make those improvements that have been identified in the capital  
16 improvement subplan element.

17  
18       16. (New section) A municipality in which a transit village that  
19 has been designated by the commissioner is located on a Brownfield  
20 site shall be eligible to participate in remediation programs and  
21 receive funding pursuant to the "Brownfield and Contaminated Site  
22 Remediation Act," sections 23 through 43 and section 45 of  
23 P.L.1993, c.139 (C.58:10B-1 et seq.).

24  
25       17. (New section) Notwithstanding any rule or regulation to the  
26 contrary, home buyers purchasing homes in a transit village  
27 designated by the commissioner, that have been developed pursuant  
28 to a transit village plan element, capital improvement program, and  
29 transit village ordinance, shall be eligible for home buyer  
30 homeownership programs offered through New Jersey Housing and  
31 Mortgage Finance Agency.

32  
33       18. (New section) The New Jersey Department of  
34 Environmental Protection may develop an expedited and  
35 coordinated permit review and approval process for transit villages  
36 designated by the Commissioner of Transportation. The  
37 applicability of this expedited and coordinated permit review and  
38 approval process shall include, but not be limited to, permits  
39 involving environmental natural resource and site remediation  
40 issues.

41  
42       19. (New section) A minimum safe distance, as determined by  
43 New Jersey Transit Corporation, shall be maintained between active  
44 New Jersey Transit rail lines and any development within a transit  
45 village.

46  
47       20. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
48 read as follows:

1        19. **【Preparation; contents; modification.】**

2        a. The planning board may prepare and, after public hearing,  
3        adopt or amend a master plan or component parts thereof, to guide  
4        the use of lands within the municipality in a manner which protects  
5        public health and safety and promotes the general welfare.

6        b. The master plan shall generally comprise a report or  
7        statement and land use and development proposals, with maps,  
8        diagrams and text, presenting, at least the following elements (1)  
9        and (2) and, where appropriate, the following elements (3) through  
10       **【(17)】 (18):**

11       (1) A statement of objectives, principles, assumptions, policies  
12       and standards upon which the constituent proposals for the physical,  
13       economic and social development of the municipality are based;

14       (2) A land use plan element

15       (a) taking into account and stating its relationship to the  
16       statement provided for in paragraph (1) hereof, and other master  
17       plan elements provided for in paragraphs (3) through (17) hereof  
18       and natural conditions, including, but not necessarily limited to,  
19       topography, soil conditions, water supply, drainage, flood plain  
20       areas, marshes, and woodlands;

21       (b) showing the existing and proposed location, extent and  
22       intensity of development of land to be used in the future for varying  
23       types of residential, commercial, industrial, agricultural,  
24       recreational, open space, educational and other public and private  
25       purposes or combination of purposes including any provisions for  
26       cluster development; and stating the relationship thereof to the  
27       existing and any proposed zone plan and zoning ordinance;

28       (c) showing the existing and proposed location of any airports  
29       and the boundaries of any airport safety zones delineated pursuant  
30       to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-  
31       80 et al.);

32       (d) including a statement of the standards of population density  
33       and development intensity recommended for the municipality;

34       (e) showing the existing and proposed location of military  
35       facilities and incorporating strategies to minimize undue  
36       encroachment upon, and conflicts with, military facilities, including  
37       but not limited to: limiting heights of buildings and structures  
38       nearby flight paths or sight lines of aircraft; buffering residential  
39       areas from noise associated  
40       with a military facility; and allowing for the potential expansion of  
41       military facilities;

42       (f) including, for any land use plan element adopted after the  
43       effective date of P.L.2017, c.275, a statement of strategy  
44       concerning:

45       (i) smart growth which, in part, shall consider potential  
46       locations for the installation of electric vehicle charging stations,

47       (ii) storm resiliency with respect to energy supply, flood-prone  
48       areas, and environmental infrastructure, and



- 1 (iii) environmental sustainability;
- 2 (g) showing the existing and proposed location of public electric  
3 vehicle charging infrastructure; and
- 4 (h) including, for any land use plan element adopted after the  
5 effective date of P.L.2021, c.6, a climate change-related hazard  
6 vulnerability assessment which shall (i) analyze current and future  
7 threats to, and vulnerabilities of, the municipality associated with  
8 climate change-related natural hazards, including, but not limited to  
9 increased temperatures, drought, flooding, hurricanes, and sea-level  
10 rise; (ii) include a build-out analysis of future residential,  
11 commercial, industrial, and other development in the municipality,  
12 and an assessment of the threats and vulnerabilities identified in  
13 subparagraph (i) of this subparagraph related to that  
14 development; (iii) identify critical facilities, utilities, roadways, and  
15 other infrastructure that is necessary for evacuation purposes and  
16 for sustaining quality of life during a natural disaster, to be  
17 maintained at all times in an operational state; (iv) analyze the  
18 potential impact of natural hazards on relevant components and  
19 elements of the master plan; (v) provide strategies and design  
20 standards that may be implemented to reduce or avoid risks  
21 associated with natural hazards; (vi) include a specific policy  
22 statement on the consistency, coordination, and integration of the  
23 climate-change related hazard vulnerability assessment with any  
24 existing or proposed natural hazard mitigation plan, floodplain  
25 management plan, comprehensive emergency management plan,  
26 emergency response plan, post-disaster recovery plan, or capital  
27 improvement plan; and (vii) rely on the most recent natural hazard  
28 projections and best available science provided by the New Jersey  
29 Department of Environmental Protection;
- 30 (3) A housing plan element pursuant to section 10 of P.L.1985,  
31 c.222 (C.52:27D-310), including, but not limited to, residential  
32 standards and proposals for the construction and improvement of  
33 housing;
- 34 (4) A circulation plan element showing the location and types of  
35 facilities for all modes of transportation required for the efficient  
36 movement of people and goods into, about, and through the  
37 municipality, taking into account the functional highway  
38 classification system of the Federal Highway Administration, the  
39 types, locations, conditions and availability of existing and  
40 proposed transportation facilities, including air, water, road and rail,  
41 and identifying existing and proposed locations for public electric  
42 vehicle charging infrastructure;
- 43 (5) A utility service plan element analyzing the need for and  
44 showing the future general location of water supply and distribution  
45 facilities, drainage and flood control facilities, sewerage and waste  
46 treatment, solid waste disposal and provision for other related  
47 utilities, and including any storm water management plan required  
48 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If

1 a municipality prepares a utility service plan element as a condition  
2 for adopting a development transfer ordinance pursuant to  
3 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan  
4 element shall address the provision of utilities in the receiving zone  
5 as provided thereunder;

6 (6) A community facilities plan element showing the existing  
7 and proposed location and type of educational or cultural facilities,  
8 historic sites, libraries, hospitals, firehouses, police stations and  
9 other related facilities, including their relation to the surrounding  
10 areas;

11 (7) A recreation plan element showing a comprehensive system  
12 of areas and public sites for recreation;

13 (8) A conservation plan element providing for the preservation,  
14 conservation, and utilization of natural resources, including, to the  
15 extent appropriate, energy, open space, water supply, forests, soil,  
16 marshes, wetlands, harbors, rivers and other waters, fisheries,  
17 endangered or threatened species wildlife and other resources, and  
18 which systemically analyzes the impact of each other component  
19 and element of the master plan on the present and future  
20 preservation, conservation and utilization of those resources;

21 (9) An economic plan element considering all aspects of  
22 economic development and sustained economic vitality, including  
23 (a) a comparison of the types of employment expected to be  
24 provided by the economic development to be promoted with the  
25 characteristics of the labor pool resident in the municipality and  
26 nearby areas and (b) an analysis of the stability and diversity of the  
27 economic development to be promoted;

28 (10) An historic preservation plan element: (a) indicating the  
29 location and significance of historic sites and historic districts; (b)  
30 identifying the standards used to assess worthiness for historic site  
31 or district identification; and (c) analyzing the impact of each  
32 component and element of the master plan on the preservation of  
33 historic sites and districts;

34 (11) Appendices or separate reports containing the technical  
35 foundation for the master plan and its constituent elements;

36 (12) A recycling plan element which incorporates the State  
37 Recycling Plan goals, including provisions for the collection,  
38 disposition and recycling of recyclable materials designated in the  
39 municipal recycling ordinance, and for the collection, disposition  
40 and recycling of recyclable materials within any development  
41 proposal for the construction of 50 or more units of single-family  
42 residential housing or 25 or more units of multi-family residential  
43 housing and any commercial or industrial development proposal for  
44 the utilization of 1,000 square feet or more of land;

45 (13) A farmland preservation plan element, which shall include:  
46 an inventory of farm properties and a map illustrating significant  
47 areas of agricultural land; a statement showing that municipal  
48 ordinances support and promote agriculture as a business; and a

1 plan for preserving as much farmland as possible in the short term  
2 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-  
3 1 et al.) through a variety of mechanisms including, but not limited  
4 to, utilizing option agreements, installment purchases, and  
5 encouraging donations of permanent development easements;

6 (14) A development transfer plan element which sets forth the  
7 public purposes, the locations of sending and receiving zones and  
8 the technical details of a development transfer program based on the  
9 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

10 (15) An educational facilities plan element which incorporates  
11 the purposes and goals of the "long-range facilities plan" required to  
12 be submitted to the Commissioner of Education by a school district  
13 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

14 (16) A green buildings and environmental sustainability plan  
15 element, which shall provide for, encourage, and promote the  
16 efficient use of natural resources and the installation and usage of  
17 renewable energy systems; consider, encourage and promote the  
18 development of public electric vehicle charging infrastructure in  
19 locations appropriate for their development, including but not  
20 limited to, commercial districts, areas proximate to public  
21 transportation and transit facilities and transportation corridors, and  
22 public rest stops; consider the impact of buildings on the local,  
23 regional and global environment; allow ecosystems to function  
24 naturally; conserve and reuse water; treat storm water on-site; and  
25 optimize climatic conditions through site orientation and design;  
26 **[and]**

27 (17) A public access plan element that provides for,  
28 encourages, and promotes permanently protected public access to  
29 all tidal waters and adjacent shorelines consistent with the public  
30 trust doctrine, and which shall include a map and inventory of  
31 public access points, public facilities that support access, parking,  
32 boat ramps, and marinas; an assessment of the need for additional  
33 public access; a statement of goals and administrative mechanisms  
34 to ensure that access will be permanently protected; and a strategy  
35 that describes the forms of access to satisfy the need for such access  
36 with an implementation schedule and tools for implementation; and

37 (18) A transit village plan element that sets forth the public  
38 purposes and location of any transit village zone in the municipality.  
39 The transit village plan element shall specify the location of transit  
40 oriented developments within the transit village zone and the standards  
41 of population density and development intensity that apply within that  
42 transit village zone. The transit village plan element shall include a  
43 specific circulation subplan element for the transit village. The  
44 circulation subplan element shall include recommendations to  
45 facilitate pedestrian, bicycle, and transit use, and address, among other  
46 things, the current level of automobile, pedestrian, and bicycle access  
47 to transit and improvements thereto with a goal of increasing ridership  
48 without significantly increasing the proportion of transit users that

1 access the transit station, stop, or access point by single-occupant  
2 automobiles, and further include recommendations for improvements  
3 such as increased connectivity of the street network, park-and-ride  
4 facilities for transit users, including location, size, and layout, rail  
5 station upgrading, and bus stop facilities. The circulation subplan  
6 element may include, but is not limited to, the following:  
7 recommended improvements in service such as the institution of a  
8 shuttle service to rail stations; shared parking facilities, pricing, and  
9 other opportunities to reduce the amount of parking or the amount of  
10 land devoted to parking; routing bus services to employment and  
11 shopping areas; and proposed road widening, lane striping, and  
12 signalization improvements needed to facilitate automobile and  
13 pedestrian access to transit stations and pedestrian access  
14 improvements, including compliance with the federal "Americans with  
15 Disabilities Act of 1990" (42 U.S.C. s. 12101 et seq.). Prior to  
16 adopting the transit village plan element, the planning board shall first  
17 consult with the New Jersey Transit Corporation to review the  
18 proposed transit village zone, any proposed park-and-ride locations,  
19 and layout, in order to ensure compatibility with existing and proposed  
20 service and to address pedestrian and vehicular safety, and then submit  
21 the proposed plan element to the Office of Smart Growth for a  
22 determination of consistency with the State Development and  
23 Redevelopment Plan.

24 c. The master plan and its plan elements may be divided into  
25 subplans and subplan elements projected according to periods of  
26 time or staging sequences.

27 d. The master plan shall include a specific policy statement  
28 indicating the relationship of the proposed development of the  
29 municipality, as developed in the master plan to (1) the master plans  
30 of contiguous municipalities, (2) the master plan of the county in  
31 which the municipality is located, (3) the State Development and  
32 Redevelopment Plan adopted pursuant to the "State Planning Act,"  
33 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)  
34 and (4) the district solid waste management plan required pursuant  
35 to the provisions of the "Solid Waste Management Act," P.L.1970,  
36 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is  
37 located.

38 In the case of a municipality situated within the Highlands  
39 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the  
40 master plan shall include a specific policy statement indicating the  
41 relationship of the proposed development of the municipality, as  
42 developed in the master plan, to the Highlands regional master plan  
43 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).  
44 (cf: P.L.2021, c.6, s.1)

45  
46 21. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to  
47 read as follows:

1       49. **【Power to zone.】** a. The governing body may adopt or  
2 amend a zoning ordinance relating to the nature and extent of the  
3 uses of land and of buildings and structures thereon. Such  
4 ordinance shall be adopted after the planning board has adopted the  
5 land use plan element and the housing plan element of a master  
6 plan, and all of the provisions of such zoning ordinance or any  
7 amendment or revision thereto shall either be substantially  
8 consistent with the land use plan element and the housing plan  
9 element of the master plan or designed to effectuate such plan  
10 elements; provided that the governing body may adopt a zoning  
11 ordinance or amendment or revision thereto which in whole or part  
12 is inconsistent with or not designed to effectuate the land use plan  
13 element and the housing plan element, but only by affirmative vote  
14 of a majority of the full authorized membership of the governing  
15 body, with the reasons of the governing body for so acting set forth  
16 in a resolution and recorded in its minutes when adopting such a  
17 zoning ordinance; and provided further that, notwithstanding  
18 anything aforesaid, the governing body may adopt an interim  
19 zoning ordinance pursuant to subsection b. of section 77 of  
20 P.L.1975, c.291 (C.40:55D-90).

21       The zoning ordinance shall be drawn with reasonable  
22 consideration to the character of each district and its peculiar  
23 suitability for particular uses and to encourage the most appropriate  
24 use of land. The regulations in the zoning ordinance shall be  
25 uniform throughout each district for each class or kind of buildings  
26 or other structure or uses of land, including planned unit  
27 development, planned unit residential development and cluster  
28 development, but the regulations in one district may differ from  
29 those in other districts.

30       b. No zoning ordinance and no amendment or revision to any  
31 zoning ordinance shall be submitted to or adopted by initiative or  
32 referendum.

33       c. The zoning ordinance shall provide for the regulation of any  
34 airport safety zones delineated under the "Air Safety and Zoning  
35 Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), in conformity with  
36 standards promulgated by the Commissioner of Transportation.

37       d. The zoning ordinance shall provide for the regulation of land  
38 adjacent to State highways in conformity with the State highway  
39 access management code adopted by the Commissioner of  
40 Transportation under section 3 of the "State Highway Access  
41 Management Act," P.L.1989, c.32 (C.27:7-91), for the regulation of  
42 land with access to county roads and highways in conformity with  
43 any access management code adopted by the county under  
44 R.S.27:16-1 and for the regulation of land with access to municipal  
45 streets and highways in conformity with any municipal access  
46 management code adopted under R.S.40:67-1. This subsection shall  
47 not be construed as requiring a zoning ordinance to establish

1 minimum lot sizes or minimum frontage requirements for lots  
2 adjacent to but restricted from access to a State highway.

3 e. The governing body may adopt or amend a zoning ordinance  
4 to set forth a transit village zone that shall either be substantially  
5 consistent with a transit village plan element of the master plan or  
6 designed to effectuate that plan element. Upon adoption or  
7 amendment of a zoning ordinance pursuant to this subsection the  
8 governing body may submit the ordinance to the Commissioner of  
9 Transportation for designation of the zone as a transit village.

10 f. A municipality that is seeking to establish a transit village  
11 zone shall establish zoning that is supportive of transit service and  
12 development. A municipality that is seeking to establish a transit  
13 village development district shall designate an area around the  
14 transit facility in which it intends to develop a plan that supports  
15 pedestrian and transit use and adopt zoning regulations that will  
16 enforce the objectives of the transit village zone.

17 (cf: P.L.2013, c.106, s.13)

18  
19 22. (New section) The commissioner may allocate up to \$10  
20 million per year for the three years next following the enactment of  
21 this act from whatever State or federal funds are made available for  
22 the purposes of this act; however, the Legislature may authorize a  
23 greater amount.

24  
25 23. This act shall take effect immediately.

## 26 27 28 STATEMENT

29  
30 This bill establishes the "New Jersey Transit Villages Act" for  
31 the purpose of encouraging municipalities to promote intensive  
32 mixed-use development within close proximity to mass transit.

33 The bill encourages municipalities to use transit-oriented  
34 development techniques by directing transportation investments into  
35 the redevelopment of our older urban and suburban areas around  
36 transit hubs. The bill also seeks to increase transportation options  
37 and transit availability, which will have the effect of reducing  
38 automobile traffic, stabilizing property taxes, and providing  
39 affordable housing.

40 Several years ago the New Jersey Department of Transportation  
41 and the New Jersey Transit Corporation administratively  
42 established the "Transit Village Initiative" to encourage appropriate  
43 intensive development within a half-mile radius of mass transit  
44 facilities. This bill would codify the Transit Village Initiative and  
45 permit State funding to be used to further the goals of the program.